

9200/3762

#11



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Eberhard FRITZ and Gerd PHILLIPPS

Appln. No.: 10/018,619

Group Art Unit:

Filed: December 17, 2001

Examiner:

For: RADIATION SOURCE FOR ENDOVASCULAR RADIATION TREATMENT

Attorney Docket No.: 3993.003

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TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97 and §1.98

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17 SEP 2001

Legal Staff
International Division

Mail Stop DD

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application which were cited in the International Search Report (ISR) by the Search Examiner in the corresponding PCT application (PCT/EP00/05631). Copies of the documents set forth below and listed on the attached Form PTO-1449, and a copy of the search report, is provided herewith. Further, an International Preliminary Examination Report (IPER) dated June 18, 1999 has been issued, a copy of which is concurrently provided herewith.

1. International patent application WO 97/18012 A1
(= D3 in IPER)

U.S. PATENT APPLICATION
SERIAL NO.: 10/018,619
INFORMATION DISCLOSURE STATEMENT

ATTY DOCK: 3993.003

2. U.S. Patent No. 5,683,345
(= D1 in IPER)
3. European patent application EP 0 686 342 A1
4. International patent application WO 97/19724 A1
(= D4 in IPER)
5. U.S. Patent No. 4,584,991
6. U.S. Patent No. 4,940,452
(= D5 in IPER)
7. International patent application WO 98/36790 A1
(= D2 in IPER)
8. European patent application No. 0 993 843 A2
(= D6 in IPER)
9. U.S. Patent No. 5,833,593

Documents 1, 2 and 3 were cited as relevant "X" type references in the ISR.

Document 8 is cited as "P, X" document, which was filed after (filing date: Oct. 13, 1999) the priority date of the present application (priority date: June 18, 1999). Therefore, document 8 is not prior art for the present application.

Documents 4, 5, 6, and 7 were cited as state of the art "A" type references in the ISR.

Document 1 and also document 9 are already cited and discussed in the present application.

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In the IPER, the Examiner considers documents 2, 7, 1 and 4 (D1 to D4 in the IPER) as of relevance with respect to novelty of independent claims 1 (radiation source) and 19 (apparatus).

Both claims have been canceled in the present application and new independent claims 31 (radiation source) and 49 (apparatus) have been filed with the preliminary amendment dated Dec. 17, 2001.

The IPER is silent on independent method claim 24 (also canceled and substituted by method claim 58 in the preliminary amendment), because claims directed to a method of treatment of a patient are not considered to have industrial applicability in some PCT contracting states. Therefore, the International Search Authority did not search for potentially relevant documents.

The present Information Disclosure Statement is being filed after three months from the application's filing date but before the mailing date of the first Office Action on the merits, therefore no Certification Under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

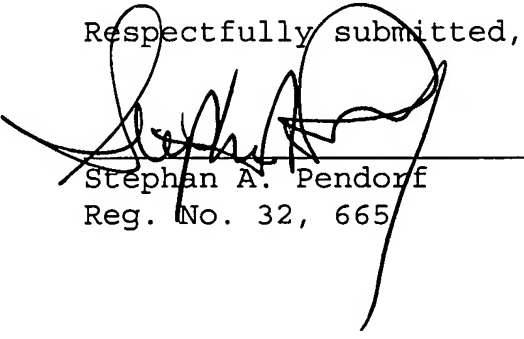
The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedated or otherwise remove any listed document as a competent reference against the claims of the present application.

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Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

Respectfully submitted,



Stephan A. Pendorf
Reg. No. 32, 665

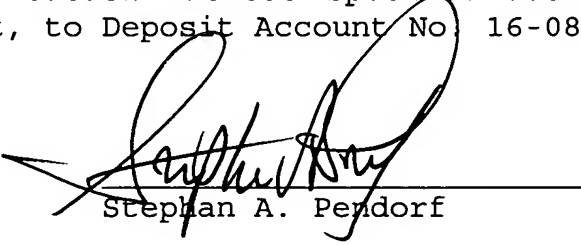
Pendorf & Cutliff
P.O. Box 20445
Tampa, Florida 33622-0445
(813) 886-6085

Dated: **May 16, 2003**

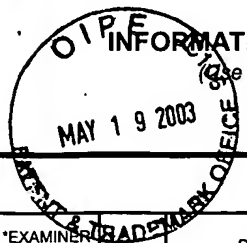
CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing INFORMATION DISCLOSURE STATEMENT Form PTO-1449, including nine (9) documents, for U.S. Application No. 10/018,619 filed December 17, 2001, were deposited in first class U.S. mail, postage prepaid, P.O. Box 1450, Alexandria, VA 22313-1450, on **May 16, 2003**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Stephan A. Pendorf



INFORMATION DISCLOSURE CITATION

(See several sheets if necessary)

ATTY DOCKET NO.

3993.003

SERIAL NO.

10/018,619

Eberhard FRITZ and PHILLIPPS

FILING

December 17, 2001

GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,683,345	11/4/97	Waksman et al.	A61M	29/02	10/27/94
	4,584,991	4/29/86	Tokita et al.	A61N	5/12	12/15/83
	4,940,452	7/10/90	Rohe et al.	A61N	5/10	8/16/88
	5,833,593	11/10/98	Liprie	A61N	5/00	11/9/95

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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 97/18012	5/22/97	World	A61N	5/00	✓	
	EP 0 686 342 A1	12/13/95	Europe	A01N	1/00	✓	
	WO 97/19724	6/5/97	World	A61N	5/00	✓	
	WO 98/36790	8/27/98	World	A61M	25/00	✓	
	EP 0 993 843 A2	4/19/00	Europe	A61N	5/10	✓	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.